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**FACSIMILE TRANSMITTAL**

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**TO**

**Name:** Christina Chen, Group Supervisor  
Examining Unit 1644  
**Firm:** U.S. Patent Office  
**Fax No.:** 703-746-5030  
**Phone No.:** 703-308-3973  
**Date:** June 24, 2002  
**Subject:** U.S. Patent Application No. 09/816,697

**FROM**

**Name:** Konstantin Linnik  
**Phone No.:** 617-452-1626  
**Fax # Verified by:**  
**# Pages (incl. this):**  
**Our File No.:** 08702.0005-00000

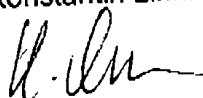
**Confirmation Copy to Follow: NO**

**Message:**

Dear Ms. Chen,

Pursuant to our phone conversation of June 19, 2002, I have attached a Response to Restriction Requirement along with a Petition to Accept Reply as Timely Filed for your consideration. Please do not hesitate to contact me should you have any questions.

Best regards,  
Konstantin Linnik



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PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0005-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lorenz et al.

Serial No.: 09/816,697

Filed: March 23, 2001

For: A Novel P-Selectin Glycoprotein  
Ligand (PSGL-1) Binding Protein  
and Uses Therefor

Group Art Unit: 1644

Examiner: Phillip Gambel

CERTIFICATE OF TRANSMISSION  
UNDER 37 CFR § 1.8I hereby certify that this correspondence  
is being transmitted by facsimile to the  
Patent and Trademark Office on June 25, 2002.By: Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT  
AND REQUEST FOR ACCEPTANCE AS TIMELY FILED  
WITHOUT PAYMENT OF EXTENSION FEES**

In an Office Action dated February 11, 2002, the Examiner required restriction  
under 35 U.S.C. § 121 to one of the following Groups of claims:

Group I - Claims 1-12 and 22, drawn to an isolated nucleic acid, a vector  
comprising the nucleic acid, a host cell transfected with the  
expression vector, a method of producing polypeptide comprising  
culturing the host cell, and a kit comprising a compound which  
selectively hybridizes to the nucleic acid

Group II - Claims 13-15, drawn to an isolated polypeptide

Group III - Claims 16 and 19, drawn to an antibody which selectively binds the  
polypeptide, and a kit comprising a compound which selectively  
binds to the polypeptide

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- Group IV - Claims 17 and 18, drawn to a method for detecting the presence of the polypeptide
- Group V - Claims 20 and 21, drawn to a method for detecting the nucleic acid
- Group VI - Claims 23 and 24, drawn to a method for identifying compounds that bind the polypeptide
- Group VII - Claim 25, drawn to a method for modulating the polypeptide activity
- Group VIII - Claim 26, drawn to a method for identifying a compound that modulates the activity of the polypeptide

Applicants provisionally elect to prosecute Group VIII, claim 26, drawn to a method for identifying compounds that modulate PSGL binding polypeptides. Applicants traverse the restriction requirement with respect to Groups VI and VIII for the reasons set forth below.

Method claims in Groups VI and VIII require a step of contacting a test compound with a polypeptide of the invention. Because test compounds that bind to the polypeptide according to claims of Group VI are also expected to modulate properties/activity of the polypeptide as in claims of Group VIII, there would be no serious burden imposed on the examiner by examining Groups VI and VIII together.

Applicants request withdrawal of the restriction requirement as to claims of Groups VI and VIII.

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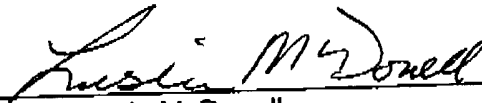
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For the reasons stated in the accompanying Petition To Accept Response As Timely Filed, Applicants believe that this response is timely filed. Applicants request that this response be entered without payment of extension fees. However, in the event that Applicants' Petition is denied, please grant any necessary extension and charge any fee due to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 25, 2002

By:   
Leslie A. McDonell  
Reg. No. 34,872

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